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Sent: 8/19/2019 9:27:59 PM
To: Bohan, Suzanne [bohan.suzanne@epa.gov]
Subject: Dewey NHPA language

Suzanne – here is the NHPA language in the permits. Might be helpful in the EJ analysis.

18.1 The National Historic Preservation Act

The updated document entitled *The Environmental Protection Agency National Historic Preservation Act Compliance and Review for the Proposed Dewey-Burdock In-Situ Uranium Recovery Project*, which is part of the Administrative Record for the updated UIC Class III Draft Area Permit, discusses how the EPA intends to comply with Section 106 of the National Historic Preservation Act. The EPA still is considering whether to rely solely on the NRC's section 106 review and consultation, which would be accomplished by adopting the Programmatic Agreement (PA) signed by the NRC, the BLM, and the Advisory Council for Historic Preservation, and potentially by developing and agreeing to an EPA-specific addendum, or whether to complete a separate section 106 process. While the EPA is deciding which of these two approaches to take, the agency is proceeding to address its section 106 responsibilities, as described in the document described above. Regardless of the approach the EPA takes to comply with section 106 of the EPA, the following mitigation measures have been incorporated in the draft Class III and Class V Area Permits:

- 1) The Permittee shall abide by the stipulations of the Programmatic Agreement among U.S. Nuclear Regulatory Commission, U.S. Bureau of Land Management, South Dakota State Historic Preservation Office, Powertech (USA), Inc. and Advisory Council on Historic Preservation Regarding the Dewey-Burdock In-Situ Recovery Project Located in Custer and Fall River Counties South Dakota (PA) dated March 19, 2014, and the EPA addendum to the PA.
- 2) When evaluated properties are NRHP-eligible, avoidance of the properties will be the preferred option. When avoidance is not possible and adverse effects will result, adverse effects will be resolved in accordance with Stipulation 5 of the PA: Resolution of Adverse Effects.
- 3) Powertech will ensure employees and/or contractors involved in all phases of the Project are aware of and comply with the requirements of the PA. Powertech may use measures such as initial orientation training, as well as pre-job briefings to inform employees and contractors of their responsibilities under the PA accordance with Stipulation 13A of the PA.
- 4) In the event a previously unknown cultural resource is discovered during the implementation of the Dewey-Burdock Project, all ground disturbance activities shall halt within 150 feet of the area of discovery to avoid or minimize impacts until the property is evaluated for listing on the NRHP by qualified personnel. The Permittee shall ensure the steps listed under Stipulation 9 of the PA are followed.

The EPA is requesting comment on the identification of historic properties, effects to historic properties, and ways to mitigate or avoid adverse effects.

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